

County, and such compensation and working days shall be from the time that such grand juries are sworn in until the time that said grand juries may finally adjourn.

Sec. 3. The fact that the compensation now provided by law for grand jury bailiffs of Bexar County, Texas, is inadequate due to the short working days that now exist, and the further fact that the present law makes no provision for more time for such bailiffs, create an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house, be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,

Monday, February 17, 1930.

The Senate met at 3:45 o'clock p. m. pursuant to adjournment and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

#### Absent—Excused.

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Berkeley.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Senators Excused.

The following Senators were excused:

Senator Cousins on account of illness, on motion of Senator Holbrook.

Senator Wirtz on account of important business, on motion of Senator Woodul.

Senator Hardin, on account of important business, on motion of Senator Russek.

Senator Westbrook, on account of illness, on motion of Senator Russek.

Senator Woodward, on account of illness, on motion of Senator Moore.

#### Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 17, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 48, A bill to be entitled "An Act providing for the obtaining of a statement of facts on appeal by a pauper, and providing the compensation of the court reporter, and providing an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 17, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 74, A bill to be entitled "An Act cancelling and annulling the lease which Travis County holds against the courthouse and jail property owned by the State of Texas, the same being the North half of Block No. (123) one hundred and twenty-three, in the City of Austin, Travis County, Texas; fixing and declaring the value of all improvements on said lot and providing for payment to Travis County for said improvements; fixing the time with-

in which Travis County must vacate said property; making the necessary appropriation out of the State Treasury; and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### House Bill Referred.

H. B. No. 48 referred to Committee on Criminal Jurisprudence.

#### House Bill No. 35.

The Chair laid before the Senate the following bill:

By Mr. Sanders:

H. B. No. 35, A bill to be entitled "An Act amending Article 7066, Revised Civil Statutes, relating to occupation taxes on the production of sulphur, which amendment provides for an occupation tax of \$1 per ton of all sulphur produced within the State of Texas; providing for reports and records; imposing forfeitures and penalties for failure to keep records."

The bill was read second time.

Senator Love sent up the following substitute for the committee amendment:

Substitute for Committee Amendment No. 1.

Amend H. B. No. 35, Section 1, by striking out the words "one dollar per ton" and by inserting in lieu thereof the words "seventy-five cents per ton."

LOVE.

The substitute was read.

Senator Holbrook moved to table the substitute. The motion to table prevailed by the following vote:

Yeas—14.

Cunningham.	Moore.
DeBerry.	Parr.
Gainer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Williamson.
Miller.	Witt.

Nays—6.

Beck.	Parrish.
Greer.	Patton.
Love.	Thomason.

Absent.

Stevenson.

(Pairs Recorded.)

Senator Berkeley (present) who would vote nay, with Senator Hardin (absent) who would vote yea.

Senator Martin (present) who would vote yea, with Senator Woodward (absent) who would vote nay.

Senator McFarlane (present) who would vote nay, with Senator Westbrook (absent) who would vote yea.

Senator Neal (present) who would vote nay, with Senator Cousins (absent) who would vote yea.

Senator Woodul (present) who would vote nay, with Senator Wirtz (absent) who would vote yea.

Committee Amendment No. 1 was adopted by the following vote:

Yeas—16.

Berkeley.	Moore.
Cunningham.	Parr.
Gainer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Williamson.
Miller.	Witt.

Nays—6.

Beck.	Parrish.
Greer.	Patton.
Love.	Thomason.

Absent.

DeBerry. Stevenson.

Absent—Excused.

Hardin.

(Pairs Recorded.)

Senator Martin (present) who would vote yea, with Senator Woodward (absent) who would vote nay.

Senator McFarlane (present) who would vote nay, with Senator Westbrook (absent) who would vote yea.

Senator Neal (present) who would vote nay, with Senator Cousins (absent) who would vote yea.

Senator Woodul (present) who would vote nay, with Senator Wirtz (absent) who would vote yea.

Committee Amendment No. 2 was adopted.

Senator Love sent up the following amendment:

Amend H. B. No. 35, by striking out Section 2 of said bill and by renumbering the remaining sections to conform.

LOVE.

The amendment was read and adopted.

Senator Martin moved to reconsider the vote by which Committee Amendment No. 2 was adopted.

On motion of Senator Holbrook, the motion to reconsider was tabled.

The bill as amended passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 35 was put on its third reading and final passage, by the following vote:

**Yeas—26.**

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Parr.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

**Absent—Excused.**

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

**Absent—Excused.**

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

**Reasons for Vote.**

On the Love amendment to H. B. No. 35 which changes the tonnage

tax on sulphur from one dollar to seventy-five cents, I voted nay for the following reasons:

At present the sulphur tax is twenty-six cents per ton; therefore I, knowing that another amendment levying a fifty-cent tax would follow the Love amendment, rather preferred the fifty-cent amendment and voted for the fifty-cent tax which doubles their present tax. Also these differences of a fifty-cent tax by the Senate and a dollar tax by the House will have to be ironed out by a free conference committee and I reserve the right to vote for a compromise even if it is an increase if I think it is not prohibitively high.

I am highly in favor of transferring ad valorem tax burdens to others far more able to pay and intend in the next Regular Session to offer an amendment to the Constitution doing away with one-half if not all of the constitutional ad valorem tax. However, I do not want to vote for a prohibitive tax on any industry, therefore I think that a dollar per ton which increases their taxes about four times, is too high but if in my future service I think their tax should be raised I will certainly do so.

DeBERRY.

**House Bill No. 40.**

The Chair laid before the Senate the following bill:

By Mr. Woodruff:

H. B. No. 40, A bill to be entitled "An Act to repeal Section 12c of Chapter 7, Local and Special Laws enacted by the Forty-first Legislature at its Second Called Session in 1929, same being an amendment to Wise County Special Road Law, and to amend Chapter 59, Local and Special Laws enacted by the Thirty-fourth Legislature at its Regular Session in 1915, as amended by Chapter 31, Special Laws enacted by the Thirty-ninth Legislature at its First Called Session in 1926, as amended by Chapter 7, Local and Special Laws enacted by the Forty-first Legislature at its Second Called Session in 1929, same being a special road law for Wise County, by adding thereto Section 12d, validating all scrip, warrants, refunding warrants, refunding bonds and/or other evidence of indebtedness issued against the road and bridge fund

of said county."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Miller the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 40 was put on its third reading and final passage, by the following vote:

**Yeas—26.**

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

**Absent—Excused.**

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

**Absent—Excused.**

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

**Senate Bill No. 83.**

On motion of Senator McFarlane, S. B. No. 83, was laid on the table subject to call.

**House Bill No. 44.**

The Chair laid before the Senate

on its second reading the following bill:

By Mr. Woodruff:

H. B. No. 44, A bill to be entitled "An Act creating a special road law for Wise County, Texas, prescribing how the commissioners' court thereof may close certain local roads, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Miller the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 44 was put on its third reading and final passage, by the following vote:

**Yeas—26.**

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

**Absent—Excused.**

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

**Absent—Excused.**

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

**House Bill No. 100.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Murphy:

H. B. No. 100, A bill to be entitled "An Act to repeal Chapter 76, Special Laws of the First Called Session of the Fortieth Legislature of 1927, entitled 'Polk County Road Law,' creating a more efficient road system for Polk County, Texas, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Patton the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 100 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Absent—Excused.

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Absent—Excused.

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

**House Bill No. 94.**

The Chair laid before the Senate on its second reading the following bill:

By Mr. Tillotson:

H. B. No. 94, A bill to be entitled "An Act to provide a special county road law for Austin County, Texas; declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Russek the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 94, was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Absent—Excused.

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

**Absent—Excused.**

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

**Simple Resolution No. 31a.**

Senator Gainer sent up the following resolution:

Whereas, The picture of the Hon. Reuben Marmaduke Potter as is on display on the Senate walls is erroneously named with a wrong explanation of his life work and character to-wit:

Being designated as the Hon. Robert Potter, formerly Congressman from the State of North Carolina and later Lieut. Governor of Texas, and

Whereas, It is necessary to give proper explanation and designation of these illustrious pioneers of Texas,

Be It Resolved That the proper name and designation of his activities be given the Rev. Reuben Marmaduke Potter in lieu of that of Robert Potter, and the following be substituted:

"Born February 15, 1802 at Woodbridge, New Jersey. A resident of Mexico during the Texas Revolution, he used his influence to aid the cause of independence at great risk to himself. For more than four months he furnished the food which alone saved from starvation twenty Texas prisoners of war at Matamoros. He served as Collector of Customs at Velasco, 1838-44. In 1848 he was appointed to the United States Army from Texas. Author of numerous sketches of the Texas Revolution and poems relating thereto, the best known being "The Hymn of the Alamo." Died in New York March 18, 1890."

**GAINER.**

Read and adopted.

**House Bill No. 87.**

On motion of Senator Beck, H. B. No. 87 was laid on the table subject to call.

Senator Neal called up the bill from the table.

The Chair laid before the Senate the following bill:

By Mr. Riley:

H. B. No. 87, A bill to be entitled "An Act to provide and regulate size of certain fish caught in Harrison County, Texas; providing a penalty, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

The bill was read second time.

Senator Neal sent up the following amendments:

Amend H. B. No. 87, Section 1, next to the last line by changing the word "ten" to read "eleven."

**NEAL.**

Read and adopted.

Amend H. B. No. 87, by adding a new section to be known as Section 1a as follows:

"Section 1a. Whoever shall have in his possession more than fifteen (15) bass, or more than twenty-five (25) white perch or crappie shall be fined not less than Ten (\$10.00) Dollars, nor more than One Hundred (\$100.00) Dollars, and each fish in excess of these numbers shall constitute a separate offense.

**NEAL.**

Read and adopted.

The bill passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 87, was put on its third reading and final passage by the following vote:

**Yeas—26.**

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

**Absent—Excused.**

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Gainer.
Berkeley.	Greer.
Cunningham.	Holbrook.
DeBerry.	Hornsby.

Hyer.	Patton.
Love.	Pollard.
Martin.	Russek.
McFarlane.	Small.
Miller.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Parr.	Witt.
Parrish.	Woodul.

Absent—Excused.

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

Adjournment.

On motion of Senator Hyer, the Senate, at 4:37 o'clock, adjourned until tomorrow morning at 10 o'clock.

### APPENDIX.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Feb. 17, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 96 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 17, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 87, A bill to be entitled "An Act to provide and regulate size of certain fish caught in Harrison County, Texas, providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Vice Chairman.

Committee Room,  
Austin, Texas, Feb. 17, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 48, A bill to be entitled "An Act providing for the obtaining

of a statement of facts on appeal by a pauper and providing the compensation of the court reporter; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Chairman.

### TWENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, February 18, 1930.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Absent—Excused.

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Senators Excused.

Senator Woodward, on motion of Senator Moore, was excused for the day on account of important business.

Senator Wirtz, on motion of Sen-